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PTO/SD/85 (03-09)

Approved for use through 03/31/2012 OMB 0051 0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Docket Number (Optional)

Mail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450  
Fax: (571) 273-8300

09/22/2011 DALLEN 00000026 6934515

01 FC:1599

1190.00 OP

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent Number: 6934515

Application Number: 04/391,234

Issue Date: AUGUST 23, 2005

Filing Date: JUNE 27, 2001

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable:

The above-identified patent:

☐ is a reissue of original Patent No. \_\_\_\_\_ original issue date \_\_\_\_\_  
original application number \_\_\_\_\_  
original filing date \_\_\_\_\_

☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application  
\_\_\_\_\_ filed on \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is

(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 OR

(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300

SEPT 21, 2011  
Date

A-411  
Signature

ALAN WALLACE  
Typed or printed name of person signing Certificate

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This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2

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**SEP 21 2011**

PTO/SB/65 (03-09)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**1. SMALL ENTITY**

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27

**2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS**

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

**3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))**

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input checked="" type="checkbox"/> \$ <u>490</u>	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input type="checkbox"/> \$ _____	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 490

**4. SURCHARGE**

The surcharge required by 37 CFR 1.20(i)(1) of \$ 700 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee

SURCHARGE FEE BEING SUBMITTED \$ 700

**5. MANNER OF PAYMENT**

☐ Enclosed is a check for the sum of \$ \_\_\_\_\_

☐ Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_

☒ Payment by credit card. Form PTO-2038 is attached.

**6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY**

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. \_\_\_\_\_

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SEP 21 2011

PTO/SB/65 (03-09)

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7. OVERPAYMENT

As to any overpayment made please

☐ Credit to Deposit Account No \_\_\_\_\_

OR

☒ Send refund check

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identify theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

A. W. WELLMAN  
Signature(s) of Petitioner(s)

SEPT 21, 2011  
Date

A. W. WELLMAN  
Typed or printed name(s)

Registration Number, if applicable

HAMELAHA 22

Address

011-972-3 9030115

Telephone Number

P.O.B. 11331 2054 HADEN 4301, ISRAEL  
Address

ENCLOSURES:

- ☒ Maintenance Fee Payment  
☒ Statement why maintenance fee was not paid timely  
☒ Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)  
☒ Other

PROOF OF CHANGE OF ADDRESS REQUEST DATED SEPT 5, 2006  
FROM USPTO'S DATABASE

P 10/SR/65 (03-09)

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37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

A. WALLACH  
Signature  
A. WALLACH  
Type or printed name

SEPT 21, 2011  
Date

Registration Number, if applicable

### STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

Both the assignee Wireless Avionics LTD and myself were not aware of any maintenance fees due until last week, when we got a strange phone call from a patent attorney of one of our competitors

(referring to a possible patent infringement) claiming that our 6934515 patent had expired almost 2 years ago. We were very surprised as this patent must have been 100% Kosher to be officially for sale in the spring 2009 Ocean Tomo IP auction catalog. Checking in the USPTO website verified that the patent is indeed expired. We never got any (curtousy) notice of the due maintenance fee or even an official notice of expiration after the 6 months grace period. According to the documents filed in the USPTO database, especially the withdrawal and address change document filed by Caleb Polak (reg no 37,912) dated Sept 5 2006 enclosed here, the maintenance address should have been changed to POB 11381 Rosh Haain Israel, but apparently it was not done until today. The payment delay under these circumstances is therefore unavoidable.

We do not use the services of Pearl Cohen Zedek law office in NY since 2006 or any other attorney. We therefore made a small self web research to deduct that we need to pay 490\$ for the next 3.5 years (starting from Sept 2009) and 700\$ surcharge on the unavoidable delay. We do hope that the PTO-2038 and the credit card details will work out. Please let us know urgently of any problem and please update the maintenance address accordingly.

(Please attach additional sheets if additional space is needed)

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